



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Acting Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2104447

Applicant Name: Rey Escarez for David Tully

Address of Proposal: 9305 7th Avenue S.

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel of land into eight parcels of land. Proposed Parcel A is 5,001 square feet and the remaining parcel sizes are 5,000 square feet each.

The following approval is required:

Short Subdivision - To divide one parcel of land into eight parcels.
(Seattle Municipal Code Chapter 23.24)

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition, or
involving another agency with jurisdiction.

BACKGROUND DATA

Site Description

The proposal site is approximately 40,001 square feet and is located in a Single Family 5000 zone (SF 5000) on the west side of 7th Ave. S. between S. Director Street and S. 96th Street. The existing parcel is identified as Parcel B, of revised DCLU, Lot Boundary Adjustment #2104439.

The proposal site has approximately 190 lineal feet of frontage along 7th Avenue South, which at this location is a two-lane paved street without curbs, gutters, or sidewalks.

The proposal site is developed with one single family residence. Vegetation on site includes grass, shrubs and trees. There are no mapped or observed City of Seattle designated Environmentally Critical Areas on the site.

Area Development

Zoning and development in the vicinity is single family residential. Single Family Residential 5000 (SF 5000) zone extends in all directions around the proposal site.

Proposal Description

The applicant proposes to subdivide one parcel of land into eight parcels of land. Proposed parcel sizes for Parcels “B” through “H” would be 5,000 square feet each. Parcel “A” would be 5,001. The applicant intends to demolish the existing house.

Additional Information

The abutting neighbor to the south filed an adverse possession claim with King County on February 28, 2002 for a portion of the subject property along the south property line running generally with the location of the existing fence line. A final judgment, awarding approximately 116 square feet, to the neighbor was granted on July 22, 2002. The applicant has revised LBA #2104439 to reflect an increase in the subject parcel (40,001 sq. ft.) to accommodate the proposed eight-lot short subdivision.

Public Comments

Three public comments were received. Concerns were raised about the increase in density of houses, potential expenses neighbors have to face due to the need for improving the public facilities such as road widening, accessibility and maneuverability of emergency vehicles, and difficulty in accessing streets.

One comment noted an apparent size discrepancy of the parcel from what is stated in the decision and what is stated in tax parcel identification (Note: the commentor was unaware of parcel adjustment as a result of LBA #2104439).

There was also a request to putting “no parking” signs on both sides of the street and the full length of the street.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short subdivision shall be approved unless all of the following facts and conditions are found to exist. The findings which follow are based upon information provided by the applicant; review of access, drainage and zoning within the Department of Design, Construction and Land Use (DCLU), review from Seattle Public Utilities, Seattle Fire Department and Seattle City Light, and review by the Land Use Planner.

1. Conformance to the applicable Land Use Policies and Land Use Code provisions;

The lots created by the proposed subdivision will conform to all development standards of the SF 5000 zone.

The frontage along 7th Ave. S. does not meet minimum width for road right-of-way. Each lot fronting the street will provide eight feet of set back (from the 7th Ave. S.) in the plat for future expansion of the roadway in accordance with the 23.53.015D set back requirement.

The lot configurations provide adequate buildable area to meet applicable density, setbacks, lot coverage requirements and other land use code development standards. Any new development must conform to land use policies and code requirements at the time of application.

2. Adequacy of access for vehicles, utilities and fire protection as provided in Section 23.53.005;

Proposed Parcels A, C, E and G will have adequate access for vehicles, utilities, and fire protection along frontage on 7th Avenue S. The remaining parcels will have adequate access via 14-foot wide ingress, egress, and utilities easements providing frontage on 7th Avenue S. and a 10-foot wide utilities easement.

The Seattle Fire Department has reviewed and approved this short subdivision application with respect to access for emergency vehicles.

Seattle City Light provides electrical service to the subject property and has indicated that an easement is required to provide electrical service to the subject property. Prior to recording, the applicant must show on the final mylar, the revised easement, described as "Exhibit A", P.M. #240432-3-007, delineating the location of all City Light easements as necessary.

3. Adequacy of drainage, water supply, and sanitary sewage disposal;

The existing structures are connected by a single sidesewer to an eight-inch public sanitary sewer (PSS) located in 7th Avenue S. Sidesewer permits are required by existing ordinance, where appropriate, for future construction on the proposed lots.

There is not a readily apparent point of stormwater discharge. Infiltration will be the only means of stormwater control for the proposed development. Due to the high silt content and density of the recessional deposits, a percolation test, and a Comprehensive Drainage Control Plan in accordance with SMC 22.802.020 shall be required as a part of conditions of this decision. The Comprehensive Drainage Control Plan prepared and approved as part of the short plat application must accompany any subsequent building permit applications.

Seattle Public Utilities reviewed this application for a short subdivision and approved a Water Availability Certificate Number 01-0718 on July 16, 2001. All conditions stated on the Water Availability Certificate must be met prior to receiving water service for future construction on the proposed parcels.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed short subdivision is consistent with relevant SF 5000 zone land use policies of the Seattle Comprehensive Plan and meets the minimum provisions of the Seattle Land Use Code. The proposal meets all applicable criteria for approval of a short plat as discussed in this analysis and decision.

However, to better serve the public interest and facilitate public services to the new lots (i.e. emergency vehicles and postal delivery), the applicant must show on the final mylar the addresses for each lot and provide easement language for future signage on those lots not directly fronting 7th Ave. S.

As conditioned, the public use and interests would be served by permitting the proposed division of land.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*

There is no mapped or observed City of Seattle Environmentally Critical Areas on the proposal site.

6. *Is designed to maximize the retention of existing trees;*

There are 7 trees on site that meet the requirements to be regulated under this criterion. The design of the short plat maximizes the retention of these existing trees. Future construction of residences on each of the parcels must meet Land Use Code provisions at SMC Code 23.44.008. The final mylar must include language to this effect on the face of the plat.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single family housing.*

The proposal is not subject to this criterion.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Prior To Recording

The owner(s) and responsible party(s) shall:

1. Provide final recording forms (mylar and copies) and fees. Have the final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel or tract created by the short subdivision shall be surveyed in the field and all property corners set in conformance with appropriate state statute. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown, as well as all structures and distances from them to the proposed property lines. All existing structures, principal and accessory, shall be shown on the face of the plat and their distances to the proposed property lines dimensioned. A licensed surveyor shall stamp the short plat drawings.
2. Provide a percolation test, and a Comprehensive Drainage Control Plan in accordance with SMC 22.802.020 for the site.
3. The following conditions shall be noted on the face of the final plat:
 - A. “Any tree removal or replacement is subject to the requirements of Seattle Municipal Code 23.44.008.”
 - B. “Future development on Lots A, C, E, and G shall be subject to the set back requirement specified in SMC 23.53.015.D and a "no protest" agreement for future roadway improvements shall be required.”
 - C. Include the entire Revised Seattle City Light easement described as "Exhibit A", P.M #240432-3-007.

- D. Provide an address signage easement or a covenant on Lots A, C, E, and G for Lots B, D, F, and H.

After Recording

4. Include a copy of the final recorded short plat on all building plans for each individual lot.
5. Include a copy of the approved Comprehensive Drainage Control Plan prepared and approved as part of the short plat application shall accompany any subsequent building permit applications.

Signature: (signature on file) Date: February 6, 2003
Carol I. Proud, Senior Land Use Planner
Department of Design, Construction and Land Use
Land Use Services

CIP:vr

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